

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

GARY DEE BICE)
)
 Plaintiff,)
 v.) Case No: 1:10CV21CEJ
)
 JOHN JORDAN, SHERIFF &)
 CAPTAIN MULCAHY,)
)
 Defendants.)

DEFENDANTS' RESPONSE TO PLAINTIFF'S ADDITIONAL MATERIAL FACTS

1. Admitted, but see Defendants' Material Fact #57 indicating Bice, by his history had a hernia for about three years. (Admitted by Plaintiff)
2. Denied in part as Bice said his testicles swelled up a little bit before December 3, 2009 (Bice Deposition Page 16, line 1).
3. Admitted in part, but see #2 above.
4. Admitted.
5. Admitted, but it was 2 or 3 days later when the nurse checked his hernia (Bice Deposition Page 19, lines 7-18).
6. Admitted.
7. Admitted.
8. Admitted.

9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.
13. Admitted.
14. Admitted, but the nurse makes the appointment and puts it on the calendar (Mulcahy Deposition Page 21, lines 3-5).
15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted, because the only surgical group refused to see Plaintiff (Mulcahy Deposition, Page 23, lines 9-13).
19. Admitted.
20. Admitted.
21. Denied. Mulcahy testified that the only time Nurse Kelly kept him (Mulcahy) apprised of everything was just due to the fact that they could never get him (Plaintiff) in the first time to see the surgeon (Mulcahy Deposition Page 26, lines 10-14).
22. Admitted.
23. Admitted in part because that's the only surgical group in the area and that is the surgical group that the hospital referred the Plaintiff to (Mulcahy Deposition Page 28, lines 14-22).

24. Denied. Bice only talked about a change of venue to St. Louis County.
25. Admitted.
26. Admitted.
27. Admitted.
28. Admitted that Plaintiff directed two notes to Sheriff and not dated.
29. Admitted.
30. Admitted in part and also denied. Received a fax from JoAnn Emerson about Plaintiff and fax was turned over to Captain Mulcahy (Jordan Deposition Page 10, lines 7-13).
31. Admitted.
32. Admitted.
33. Admitted.
34. Admitted.
35. Admitted.
36. Admitted.
37. Admitted.
38. Admitted.
39. Denied in part. The first time Dr. McGinty agreed to see Plaintiff was January 28, 2010 (McGinty Deposition Page 11, lines 19-22 and Page 12, line 1).
40. Denied. (McGinty Deposition Page 10, lines 78-24) [mild discomfort at surgical site; Page 23 lines 14-18].

SPRADLING & SPRADLING

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CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2011, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

Mr. Matthew B. Lee, Spain, Miller & Spain, PO Box 1248, Poplar Bluff, MO 63901

I hereby certify that on *****, the foregoing was mailed by United States Postal Service to the following non-participants in Electronic Case Filing:

SPRADLING & SPRADLING

By: /s/ A.M. Spradling, III